

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 1-23 are in this case. Claims 1-23 have been rejected under § 102(e).

No amendments are made to the application at this time.

Compact Prosecution

The PTO enforces a policy of compact prosecution through which all relevant rejections should be raised and addressed in a first action.

In the present case, this response addresses the third non-final action relating to claims 1-23 as originally filed. Furthermore, the Applicant's representative regretfully expresses significant frustration at the lack of relevance of the currently cited reference, and at the specific factual errors in applying the reference to the language of the claims, all as will be detailed below.

The Applicant respectfully submits that these circumstances are sharply at odds with the policy of compact prosecution, and have resulted in excessive costs to the Applicant and an unacceptable delay in obtaining patent protection. The Examiner is respectfully recommended to do his utmost to try to resolve any outstanding issues promptly and conclude the prosecution in an appropriate manner.

§ 102(e) Rejections

The Examiner has rejected claims 1-23 under 35 U.S.C. 102(e) as being anticipated by Matos (US 2003/0130770). The Examiner's rejections are respectfully traversed.

The present invention provides a method in which a pilot-initiated request for information results in generation of a verbal message audible to the pilot indicative of

the requested information. The claimed solution is tailored to the situation of air-to-air combat where various information regarding flight parameters of the pilot's own aircraft and/or a hostile aircraft which cannot be accessed via a heads-down display due to the need to maintain direct eye contact with targets or threats in the surrounding environment. The present invention provides a solution through which the pilot can initiate generation of a verbal audible message containing this critical information without deflecting his gaze from the surrounding environment.

Regarding the general level of relevance of the cited reference, Matos does not relate to a scenario of air-to-air combat, and does not address the problem of providing flight parameter information to a pilot without requiring the pilot to look away from the surrounding environment. Instead, Matos relates to a system for assuming remote control for flying a domestic aircraft under conditions that the pilot is incapacitated.

Regarding the application of the reference to the claim language, taking as an example independent claim 1, the claim language requires:

- (a) receiving a pilot-initiated request for information;
- (b) identifying the pilot-initiated request as either a first request-type or a second request-type;
- (c) if the pilot-initiated request is identified as the first request-type, retrieving from at least one system of the first aircraft output information relating to current flight parameters of the first aircraft;
- (d) if the pilot-initiated request is identified as the second request type, retrieving from at least one system of the first aircraft output information relating to current flight parameters of the hostile aircraft; and

- (e) generating a verbal message audible to the pilot containing said output information.

The Examiner has asserted that these steps can be found in the Matos reference, citing various specific passages of Matos in relation to each section of the claim. A careful review of the Matos reference reveals, however, that there is no factual basis for the assertion of anticipation.

Most striking as a clear factual error, step (e) of claim 1 requires generating of a “verbal message audible to the pilot containing said output information” (i.e., information relating to the current flight parameters of the first aircraft or the hostile aircraft). The entire Matos reference makes **no mention whatsoever of any verbal message audible to the pilot**. The passages in paragraphs [0280-0282] cited by the Examiner relate to voice-recognition used for spoken **inputs** to the system by persons authorized to actuate remote control of the aircraft, but there is no mention of generating any verbal message output. This point relates equally to independent claims 12 and 17, and hence to all of the claims 1-23.

In fact, the Applicant also fails to find any factual basis for the other explicit limitations of claim 1 in the passages cited by the Examiner. Paragraph [0015] of Matos relates to input of a command to initiate remote control, and not a request for information. Similarly, there is no sorting of any request into one of two types, or selective retrieval of flight parameters based on such a request mentioned in paragraphs [0015] or [0147].

In short, the Matos reference does not address the subject matter of the claimed invention, and fails to teach numerous explicit limitations of the claim language before the Examiner. The Applicant therefore respectfully submits that the

Examiner's rejections under § 102 over Matos are unfounded. Careful reconsideration is respectfully solicited.

Finality of Next Action May Be Precluded

In the hopefully extremely unlikely event that the Examiner intends to issue a **fourth** rejection in this file, the Examiner is respectfully reminded of office policy regarding finality of official actions. The Applicant notes that claims 1-23 remain as initially filed. Accordingly, any new rejection of these claims would not have been necessitated by either amendment or submission of an IDS, and an official action containing such rejection may not therefore be made final.

Respectfully submitted,



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